

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MARIA MULLAN, and all others  
similarly situated,**

**Plaintiff,**

**vs.**

**UNITEDHEALTH GROUP d/b/a  
UNITED HEALTHCARE INSURANCE  
COMPANY, and  
UNITEDHEALTHCARE OF THE  
MIDLANDS, INC.,**

**Defendants.**

**8:05CV540**

**SCHEDULING ORDER**

The court has reviewed the parties' Planning Report (#12), which discusses issues relating to ERISA preemption, possible class certification, and the propriety of removing this case to federal court.

In light of the jurisdictional issues, the parties request that no discovery be conducted until after the court rules on the defendant's anticipated Motion for summary judgment based on ERISA preemption of plaintiff's state law claims, and plaintiff's anticipated Motion for dismissal without prejudice and/or remand to state court. I find that this request should be granted, as set forth below:

**IT IS ORDERED:**

1. The parties are given until and including **May 1, 2006** to file defendant's motion for summary judgment based on ERISA preemption, and plaintiff's motion for summary judgment, dismissal without prejudice and/or remand to state court. Responses to the motions shall be filed by **May 25, 2006**, and reply briefs shall be filed by **June 5, 2006**.

2. The initial disclosures required by Fed. R. Civ. P. 26(a)(1) shall be completed by **April 15, 2006** as to the claims of individual plaintiff Maria Mullan, including any policy information relevant to issues of ERISA preemption, removal, or remand. All other discovery is hereby stayed pending the district court's ruling on defendant's motion for summary judgment based on ERISA preemption, and plaintiff's motion for summary judgment, dismissal without prejudice and/or remand to state court.

3. A planning conference will be set by further order after the district court rules on the issues of ERISA preemption and remand.

4. Counsel are given until and including April 15, 2006 to submit a proposed protective order to satisfy HIPAA privacy rules.

**DATED March 16, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**